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<b>DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION</b> <b>(37 CFR 1.63)</b>  <input checked="" type="checkbox"/> Declaration Submitted with Initial Filing      OR <input type="checkbox"/> Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16 (e)) required)	<b>Attorney Docket Number</b>	1946/1G527US1
	<b>First Named Inventor</b>	David Gschneidner
	<b>COMPLETE IF KNOWN</b>	
	<b>Application Number</b>	
	<b>Filing Date</b>	
	<b>Art Unit</b>	N/A
	<b>Examiner Name</b>	Not Yet Assigned

**As the below named inventor, I hereby declare that:**

My residence, mailing address, and citizenship are as stated below next to my name.

I believe I am the original and first inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

COMPOUNDS AND COMPOSITIONS FOR DELIVERING ACTIVE AGENTS

(Title of the Invention)

the specification of which

☐ is attached hereto

OR

☒ was filed on 12/18/2000 as United States Application Number or PCT International Application No.

PCT/US00/34329 and was amended on (if applicable).

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Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				YES	NO
60/171,213	US	12/16/1999	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto:

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**DECLARATION — Utility or Design Patent Application**

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Correspondence address below

**DARBY & DARBY P.C.**Name **Jay P. Lessler**Address **P.O. Box 5257**City **New York**State **NY**ZIP **10150-5257**Country **US**Telephone **(212) 527-7700**Fax **(212) 753-6237**

As a named inventor, I hereby appoint the following attorney(s) and/or agents(s) to prosecute this application and transact all business in the Patent and Trademark office connected therewith: Gordon D. Coplein #19,165, Michael J. Sweedler #19,937, S. Peter Ludwig #25,351, Paul Fields #20,298, Marc S. Gross #19,614, Joseph B. Lerch #26,936, Melvin C. Garner #26,272, Ethan Horwitz #27,646, Adda C. Gogoris #29,714, Bert J. Lewen #19,407, Henry Sternberg #22,408, Peter C. Schechter #31,662, Robert Schaffer #31,194, Robert C. Sullivan, Jr. #30,499, Ira J. Levy #35,587, Joseph R. Robinson #33,448, Scott G. Lindvall #40,325, Paul F. Fehlner, Ph.D. #35,135, David Leason #36,195, Jay P. Lessler #41,151, all of the firm of DARBY & DARBY P.C., 805 Third Avenue, New York, NY 10022

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New York, NY 10022

Jay P. Lessler  
212-527-7700

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NAME OF SOLE OR FIRST INVENTOR:

☐

A petition has been filed for this unsigned inventor

Given Name  
(first and middle (if any))

David

Family Name  
or Surname

Gschneider

Inventor's  
Signature

Date

Residence: City **Stamford**State **CT**

Country

Citizenship **US**Mailing  
Address:

44 Cerretta Street  
Apt. 6

City **Stamford**State **CT**ZIP **06907**

Country

NAME OF SECOND INVENTOR:

☐

A petition has been filed for this unsigned inventor

Given Name  
(first and middle (if any))

Andrea

Family Name  
or Surname

Leone-Bay

Inventor's  
Signature

Date

Residence: City **Ridgefield**State **CT**

Country

Citizenship **US**Mailing  
Address:

20 Woodland Way

City **Ridgefield**State **CT**ZIP **06877**

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Please type a plus sign (+) inside this box ☐

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Name of Additional Joint Inventor, if any:			<input type="checkbox"/> A petition has been filed for this unsigned inventor		
Given Name (first and middle (if any)) Eric			Family Name or Surname Wang		
Inventor's Signature			Date		
Residence: City Ellicott City	State MD	Country	Citizenship US		
Mailing Address: 9930 Timberknoll Lane					
City Ellicott City	State MD	ZIP 21042	Country		
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Given Name (first and middle (if any)) John J.			Family Name or Surname Freeman		
Inventor's Signature			Date		
Residence: City <i>New Fairfield</i>	State CT	Country	Citizenship US		
Mailing Address: 6 Topstone Road					
City <i>New Fairfield</i>	State CT	ZIP 06812	Country		
Name of Additional Joint Inventor, if any:			<input type="checkbox"/> A petition has been filed for this unsigned inventor		
Given Name (first and middle (if any)) Doris C.			Family Name or Surname O'Toole		
Inventor's Signature <i>Doris C. O'Toole</i>			Date <i>June 15/2002</i>		
Residence: City Carmel	State NY	Country	Citizenship US		
Mailing Address: 33 Lakeview Road					
City Carmel	State NY	ZIP 10512	Country		
Name of Additional Joint Inventor, if any:			<input type="checkbox"/> A petition has been filed for this unsigned inventor		
Given Name (first and middle (if any)) Lynn			Family Name or Surname Shields		
Inventor's Signature			Date		
Residence: City Port Chester	State NY	Country	Citizenship US		
Mailing Address: 85 Birch Street					
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**Jay P. Lessler**Address **P.O. Box 5257**City **New York**State **NY**ZIP **10150-5257**Country **US**Telephone **(212) 527-7700**Fax **(212) 753-6237**

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☐

A petition has been filed for this unsigned inventor

Given Name  
(first and middle (if any))

David

Family Name  
or Surname

Gschneidner

Inventor's  
Signature*David Gschneidner*

Date

6/14/02

Residence: City

Stamford

State

CT

Country

Citizenship

US

Mailing  
Address:

44 Cerretta Street  
Apt. 6

City

Stamford

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CT

ZIP

06907

Country

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Andrea

Family Name  
or Surname

Leone-Bay

Inventor's  
Signature*Andrea Leone-Bay*

Date

6-16-02

Residence: City

Ridgefield

State

CT

Country

Citizenship

US

Mailing  
Address:

20 Woodland Way

City

Ridgefield

State

CT

ZIP

06877

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Please type a plus sign (+) inside this box → ☐

PTO/SB/02A (11-00)

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Inventor's Signature <i>[Signature]</i>		Date 6/17/02	
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	<b>Application Number</b>	
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	<b>Art Unit</b>	N/A
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**Name** DARBY & DARBY P.C.  
Jay P. Lessler

**Address** P.O. Box 5257

**City** New York

**State** NY

**ZIP** 10150-5257

**Country** US

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**Fax** (212) 753-6237

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**NAME OF SOLE OR FIRST INVENTOR:**

☐ A petition has been filed for this unsigned inventor

**Given Name** David  
(first and middle (if any))

**Family Name** Gschneidner  
or Surname

**Inventor's**  
**Signature**

**Date**

**Residence: City** Stamford

**State** CT

**Country**

**Citizenship** US

**Mailing**  
**Address:** 44 Cerretta Street  
Apt. 6

**City** Stamford

**State** CT

**ZIP** 06907

**Country**

**NAME OF SECOND INVENTOR:**

☐ A petition has been filed for this unsigned inventor

**Given Name** Andrea  
(first and middle (if any))

**Family Name** Leone-Bay  
or Surname

**Inventor's**  
**Signature**

**Date**

**Residence: City** Ridgefield

**State** CT

**Country**

**Citizenship** US

**Mailing**  
**Address:** 20 Woodland Way

**City** Ridgefield

**State** CT

**ZIP** 06877

**Country**

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Inventor's Signature <i>Lynn E. Shields</i>		Date <i>6/17/02</i>	
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Fax

(212) 753-6237

As a named inventor, I hereby appoint the following attorney(s) and/or agents(s) to prosecute this application and transact all business in the Patent and Trademark office connected therewith: Gordon D. Coplein #19,165, Michael J. Sweedler #19,937, S. Peter Ludwig #25,351, Paul Fields #20,298, Marc S. Gross #19,614, Joseph B. Lerch #26,936, Melvin C. Garner #26,272, Ethan Horwitz #27,646, Adda C. Gogoris #29,714, Bert J. Lewen #19,407, Henry Sternberg #22,408, Peter C. Schechter #31,662, Robert Schaffer #31,194, Robert C. Sullivan, Jr. #30,499, Ira J. Levy #35,587, Joseph R. Robinson #33,448, Scott G. Lindvall #40,325, Paul F. Fehlner, Ph.D. #35,135, David Leason #36,195, Jay P. Lessler #41,151, all of the firm of DARBY & DARBY P.C., 805 Third Avenue, New York, NY 10022

SEND CORRESPONDENCE TO:

DIRECT TELEPHONE CALLS TO:

DARBY & DARBY P.C.  
805 Third Avenue  
New York, NY 10022

Jay P. Lessler  
212-527-7700

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

NAME OF SOLE OR FIRST INVENTOR:

☐

A petition has been filed for this unsigned inventor

Given Name  
(first and middle (if any))

David

Family Name  
or Surname

Gschneidner

Inventor's  
Signature

Date

Residence: City

Stamford

State

CT

Country

Citizenship

US

Mailing  
Address:

44 Cerretta Street  
Apt. 6

City

Stamford

State

CT

ZIP

06907

Country

NAME OF SECOND INVENTOR:

☐

A petition has been filed for this unsigned inventor

Given Name  
(first and middle (if any))

Andrea

Family Name  
or Surname

Leone-Bay

Inventor's  
Signature

Date

Residence: City

Ridgefield

State

CT

Country

Citizenship

US

Mailing  
Address:

20 Woodland Way

City

Ridgefield

State

CT

ZIP

06877

Country

☒Additional inventors are being named on the 1 supplemental Additional Inventor(s) sheet(s) PTO/SB/02A attached hereto.

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PTO/SB/02A (11-00)

Please type a plus sign (+) inside this box +

Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

DECLARATION				ADDITIONAL INVENTOR(S) Supplemental Sheet Page 1 of 1	
Name of Additional Joint Inventor, if any:			<input type="checkbox"/> A petition has been filed for this unsigned inventor		
Given Name (first and middle (if any))		Eric		Family Name or Surname	
Wang					
Inventor's Signature			Date 6-24-02		
Ellicott City		MD		US	
Residence: City		State		Citizenship	
Mailing Address:		9930 Timberknoll Lane			
Ellicott City		MD		21042	
City		State		ZIP	
Country					
Name of Additional Joint Inventor, if any:			<input type="checkbox"/> A petition has been filed for this unsigned inventor		
Given Name (first and middle (if any))		John J.		Family Name or Surname	
Freeman					
Inventor's Signature			Date		
New Fairfield		CT		US	
Residence: City		State		Citizenship	
Mailing Address:		6 Topstone Road			
New Fairfield		CT		06812	
City		State		ZIP	
Country					
Name of Additional Joint Inventor, if any:			<input type="checkbox"/> A petition has been filed for this unsigned inventor		
Given Name (first and middle (if any))		Doris C.		Family Name or Surname	
O'Toole					
Inventor's Signature			Date		
Carmel		NY		US	
Residence: City		State		Citizenship	
Mailing Address:		33 Lakeview Road			
Carmel		NY		10512	
City		State		ZIP	
Country					
Name of Additional Joint Inventor, if any:			<input type="checkbox"/> A petition has been filed for this unsigned inventor		
Given Name (first and middle (if any))		Lynn		Family Name or Surname	
Shields					
Inventor's Signature			Date		
Port Chester		NY		US	
Residence: City		State		Citizenship	
Mailing Address:		85 Birch Street			
Port Chester		NY		10573	
City		State		ZIP	
Country					



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16527051

JULY 02, 2003

PTAS

Under Secretary of Commerce For Intellectual Property and  
Director of the United States Patent and Trademark Office  
Washington, DC 20231  
www.uspto.gov

DARBY & DARBY P.C.  
JAY P. LESSLER, ESQ.  
P.O. BOX 5257  
NEW YORK, NEW YORK 10150-5257



\*102372009A\*

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 07/15/2002

REEL/FRAME: 013770/0956  
NUMBER OF PAGES: 9

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

GSCHNEIDNER, DAVID

DOC DATE: 06/14/2002

ASSIGNOR:

LEONE-BAY, ANDREA

DOC DATE: 06/16/2002

ASSIGNOR:

WANG, ERIC

DOC DATE: 06/24/2002

ASSIGNOR:

FREEMAN, JR., JOHN J.

DOC DATE: 06/17/2002

ASSIGNOR:

O'TOOLE, DORIS

DOC DATE: 06/15/2002

ASSIGNOR:

SHIELDS, LYNN E.

DOC DATE: 06/17/2002

ASSIGNEE:

EMISPHERE TECHNOLOGIES, INC.  
765 OLD SAW MILL RIVER ROAD  
TARRYTOWN, NEW YORK 10591

013770/0956 PAGE 2

SERIAL NUMBER: 10168275  
PATENT NUMBER:

FILING DATE: 07/15/2002  
ISSUE DATE:

TONYA LEE, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

7-16-02

02-25-2003

6 JUL 2002

To the Honorable Commissioner of Patents and Trademarks

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all documents or copy thereof.

1. Name of conveying party(ies):

David GSCHNEIDNER; Andrea LEONE-BAY; Eric WANG;  
John J. FREEMAN, Jr.; Doris O'TOOLE; Lynn E. SHIELDS

Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

102372009

receiving party(ies):

Name: EMISPHERE TECHNOLOGIES, INC.

Internal Address:

Street Address: 765 Old Saw Mill River Road

City: Tarrytown State: New York Zip: 10591

Additional name(s) & address(es) attached? ☐ Yes ☒ No

3. Nature of conveyance:

- ☒ Assignment ☐ Merger  
☐ Security Agreement ☐ Change of Name  
☐ Other

Execution Date: 6/14/02; 6/16/02; 6/24/02; 6/17/02;  
6/15/02 and 6/17/02, respectively.

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is:

A. Patent Application No.(s)

10/168,275

Additional numbers attached? ☐ Yes ☒ No

EXPRESS MAIL CERTIFICATE

By Patent No.(s) Label No. 15469994-115  
I hereby certify that, on the date indicated above, this paper or  
fee was deposited with the U.S. Postal Service & that it was  
addressed for delivery to the Assistant Commissioner for  
Patents, Washington, DC 20231 by "Express Mail Post Office  
to Addressee" service.

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Darby & Darby P.C.

Internal Address: Jay P. Lessler, Esq.

Street Address: P. O. Box 5257

City: New York State: New York Zip: 10150-5257

07/23/2002 HKAYPAGH 00000026 10168275

02 FC:581

40.00 00

6. Total number of applications and patents involved:

1

7. Total fee (37 CFR 3.41):.....\$40.00

☒ Enclosed

☐ Authorized to be charged to deposit account

8. Deposit account number: 04-0100

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9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Jay P. Lessler, Esq. (41,151 Reg. No.)  
Name of Person Signing

Signature

July 15, 2002  
Date

Total number of pages including cover sheet, attachments, and document:

9

Mail documents to be recorded with required cover sheet information to:  
Commissioner of Patents & Trademarks, Box Assignments  
Washington, D.C. 20231

**ASSIGNMENT**

I, **David Gschneidner**, a citizen of the U.S., residing at 44 Cerretta Street, Apt. #6, Stamford, Connecticut 06907 USA;

I, **Andrea Leone-Bay**, a citizen of the U.S., residing at 20 Woodland Way, Ridgefield, Connecticut 06877 USA;

I, **Eric Wang**, a citizen of the U.S., residing at 9930 Timberknoll Lane, Ellicott City, Maryland, 21042 USA;

**NEW** I, **John J. Freeman, Jr.**, a citizen of the U.S., residing at 6 Topstone Road, Fairfield, Connecticut 06812 USA;

I, **Doris O'Toole**, a citizen of the U.S., residing at 33 Lakeview Road, Carmel, New York 10512 U.S.A., and

I, **Lynn E. Shields**, a citizen of the U.S., residing at 85 Birch Street, Port Chester, New York 10573 U.S.A.

(hereinafter called the "ASSIGNORS") have made a certain invention in

**COMPOUNDS AND COMPOSITIONS FOR DELIVERING ACTIVE AGENTS**

for which an international application designating the U.S. was filed on **December 18, 2000** under **International Application No. PCT/US00/34329**; and

WHEREAS, **EMISPHERE TECHNOLOGIES, INC.**, a corporation organized and existing under and by the laws of **New York**, having a place of business at **765 Old Saw Mill River Road, Tarrytown, NY 10591** (below called the "Assignee"), is desirous of securing the entire right, title and interest, throughout the world, including priority rights, in and to the said invention, application and Letters Patent, when granted, and in and to any divisions, divisionals, continuations, improvements, reissues or extensions that may be made or granted thereon;

NOW, THEREFORE, BE IT KNOWN that for and in consideration of the sum of One Dollar (\$1.00) to us in hand paid by the said Assignee, and other good and valuable consideration, the receipt of all of which is hereby acknowledged, we, the said Assignors have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over unto the said Assignee, its successors and assigns, all of our right, title and interest, throughout the world, including priority rights, in and to the said invention, application and Letters Patent, when granted, and in and to any divisions,



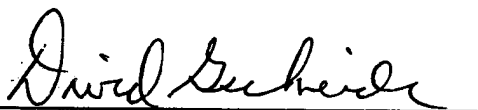
continuations, improvements, reissues or extensions that may be made or granted on any of them;

TO HAVE AND TO HOLD the same to the full end of the term or terms for which said Letters Patent may be granted, as fully and completely as the same might be held by us had this sale and assignment not been made.

For the consideration aforesaid, we hereby covenant and agree to and with the said Assignees its successors and assigns, that whenever its counsel or representative, or the counsel or representative of its successors or assigns, shall advise that an amendment to, or a division of, or any other proceeding or action in connection with said application or invention, including interference proceedings, is lawful and desirable, or that a reissue or continuation or extension of said Letters Patent is lawful and desirable, we will sign all papers and drawings, take all rightful oaths and affidavits, and do all acts necessary or required to be done for the procurement of valid Letters Patent for said invention, or for the reissue or continuation or extension of the same, will do all acts necessary or required to secure the said Assignee, its successors, and assigns, the title to and full benefit of all rights hereby assigned, without charge to said Assignees or its successors or assigns, but at its or their expense;

AND the Commissioner of Patents and Trademarks is requested to issue the said Letters Patent, when granted, in accordance with this sale and assignment.

We declare under penalty of perjury under the laws of the United States of America that we have signed this document as our/my own free act and that all of the foregoing is true and correct.

  
David Gschneidner

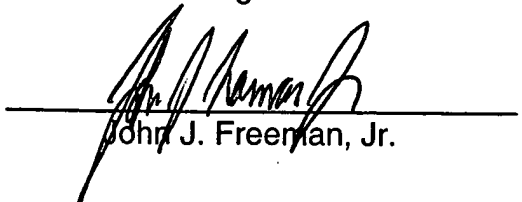
DATED: 6/14/02

  
Andrea Leone-Bay

DATED: 6-16-02

\_\_\_\_\_  
Eric Wang

DATED: \_\_\_\_\_

  
John J. Freeman, Jr.

DATED: 6/17/02

Docket No. 1946/1G527-US1

**ASSIGNMENT**

I, **David Gschneider**, a citizen of the U.S., residing at 44 Cerretta Street, Apt. #6, Stamford, Connecticut 06907 USA;

I, **Andrea Leone-Bay**, a citizen of the U.S., residing at 20 Woodland Way, Ridgefield, Connecticut 06877 USA;

I, **Eric Wang**, a citizen of the U.S., residing at 9930 Timberknoll Lane, Ellicott City, Maryland, 21042 USA;

*New  
per* I, **John J. Freeman, Jr.**, a citizen of the U.S., residing at 6 Topstone Road, Fairfield, Connecticut 06812 USA;

I, **Doris O'Toole**, a citizen of the U.S., residing at 33 Lakeview Road, Carmel, New York 10512 U.S.A., and

I, **Lynn E. Shields**, a citizen of the U.S., residing at 85 Birch Street, Port Chester, New York 10573 U.S.A.

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NOW, THEREFORE, BE IT KNOWN that for and in consideration of the sum of One Dollar (\$1.00) to us in hand paid by the said Assignee, and other good and valuable consideration, the receipt of all of which is hereby acknowledged, we, the said Assignors have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over unto the said Assignee, its successors and assigns, all of our right, title and interest, throughout the world, including priority rights, in and to the said invention, application and Letters Patent, when granted, and in and to any divisions,

continuations, improvements, reissues or extensions that may be made or granted on any of them;

TO HAVE AND TO HOLD the same to the full end of the term or terms for which said Letters Patent may be granted, as fully and completely as the same might be held by us had this sale and assignment not been made.

For the consideration aforesaid, we hereby covenant and agree to and with the said Assignees its successors and assigns, that whenever its counsel or representative, or the counsel or representative of its successors or assigns, shall advise that an amendment to, or a division of, or any other proceeding or action in connection with said application or invention, including interference proceedings, is lawful and desirable, or that a reissue or continuation or extension of said Letters Patent is lawful and desirable, we will sign all papers and drawings, take all rightful oaths and affidavits, and do all acts necessary or required to be done for the procurement of valid Letters Patent for said invention, or for the reissue or continuation or extension of the same, will do all acts necessary or required to secure the said Assignee, its successors, and assigns, the title to and full benefit of all rights hereby assigned, without charge to said Assignees or its successors or assigns, but at its or their expense;

AND the Commissioner of Patents and Trademarks is requested to issue the said Letters Patent, when granted, in accordance with this sale and assignment.

We declare under penalty of perjury under the laws of the United States of America that we have signed this document as our/my own free act and that all of the foregoing is true and correct.

\_\_\_\_\_  
David Gschneidner

DATED: \_\_\_\_\_

\_\_\_\_\_  
Andrea Leone-Bay

DATED: \_\_\_\_\_

  
\_\_\_\_\_  
Eric Wang

DATED: 6-24-02

\_\_\_\_\_  
John J. Freeman, Jr.

DATED: \_\_\_\_\_

**ASSIGNMENT**

I, **David Gschneidner**, a citizen of the U.S., residing at 44 Cerretta Street, Apt. #6, Stamford, Connecticut 06907 USA;

I, **Andrea Leone-Bay**, a citizen of the U.S., residing at 20 Woodland Way, Ridgefield, Connecticut 06877 USA;

I, **Eric Wang**, a citizen of the U.S., residing at 9930 Timberknoll Lane, Ellicott City, Maryland, 21042 USA;

I, **John J. Freeman, Jr.**, a citizen of the U.S., residing at 6 Topstone Road, <sup>New</sup> Fairfield, Connecticut 06812 USA;

I, **Doris O'Toole**, a citizen of the U.S., residing at 33 Lakeview Road, Carmel, New York 10512 U.S.A., and

I, **Lynn E. Shields**, a citizen of the U.S., residing at 85 Birch Street, Port Chester, New York 10573 U.S.A.

(hereinafter called the "ASSIGNORS") have made a certain invention in

**COMPOUNDS AND COMPOSITIONS FOR DELIVERING ACTIVE AGENTS**

for which an international application designating the U.S. was filed on **December 18, 2000** under **International Application No. PCT/US00/34329**; and

WHEREAS, **EMISPHERE TECHNOLOGIES, INC.**, a corporation organized and existing under and by the laws of **New York**, having a place of business at **765 Old Saw Mill River Road, Tarrytown, NY 10591** (below called the "Assignee"), is desirous of securing the entire right, title and interest, throughout the world, including priority rights, in and to the said invention, application and Letters Patent, when granted, and in and to any divisions, divisionals, continuations, improvements, reissues or extensions that may be made or granted thereon;

NOW, THEREFORE, BE IT KNOWN that for and in consideration of the sum of One Dollar (\$1.00) to us in hand paid by the said Assignee, and other good and valuable consideration, the receipt of all of which is hereby acknowledged, we, the said Assignors have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over unto the said Assignee, its successors and assigns, all of our right, title and interest, throughout the world, including priority rights, in and to the said invention, application and Letters Patent, when granted, and in and to any divisions,

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Doris E. Toole

Doris O'Toole

DATED:

June 15, 2002

Lynn E. Shields

DATED: \_\_\_\_\_

**ASSIGNMENT**

I, **David Gschneidner**, a citizen of the U.S., residing at 44 Cerretta Street, Apt. #6, Stamford, Connecticut 06907 USA;

I, **Andrea Leone-Bay**, a citizen of the U.S., residing at 20 Woodland Way, Ridgefield, Connecticut 06877 USA;

I, **Eric Wang**, a citizen of the U.S., residing at 9930 Timberknoll Lane, Ellicott City, Maryland, 21042 USA;

*New for* I, **John J. Freeman, Jr.**, a citizen of the U.S., residing at 6 Topstone Road, Fairfield, Connecticut 06812 USA;

I, **Doris O'Toole**, a citizen of the U.S., residing at 33 Lakeview Road, Carmel, New York 10512 U.S.A., and

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